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OFFICE OF PETITIONS

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MENLO PARK, CA 94025

In re Application of
Taylor
Application No. 10/020,451
Filed: December 14, 2001
Attorney Docket No.: GUID003CON3

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ON PETITION

This is a decision on the petition filed March 1, 2002 in response to the Notice of Omitted Item(s) in a Nonprovisional Application ("Notice") mailed January 24, 2002.

The application was filed December 14, 2001. On January 24, 2002, the Office of Initial Patent Examination mailed a Notice stating that the application had been accorded a filing date but that figures 9 and 9A appeared to have been omitted from the application.

The Notice permits applicant to either: (1) promptly establish prior receipt in the PTO of the drawing(s) at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted drawing(s) in a nonprovisional application and accept the date of such submission as the application filing date. An applicant asserting that the missing drawings were in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted drawings in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted drawing(s) with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such drawing(s) and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the Notice (37 CFR 1.181(f)).

Petitioner argues that the application filed December 14, 2001 included seven (7) pages of formal drawings, including Figures 9 and 9A, as indicated on the Office date-stamped return postcard, a copy of which petitioner has provided.

Upon review of the record, figures 9 and 9A have been located in the application file. Therefore, the application was complete on filing.

In view of the above, the petition is GRANTED.

The Notice mailed January 24, 2002, was sent in error and is hereby VACATED.

No fee is due in connection with this matter. As per the authorization contained therein, a refund to deposit account No. 50-0815 has been requested from the Office of Finance, Refund Section.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of December 14, 2001 with an indication in the record that figures 9 and 9A were present on filing.

Telephone inquiries related to this decision may be directed to Petitions Attorney Alesia M. Brown at (703) 305-0310.

Beverly M. Flanagan
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Supervisory Petitions Examiner
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for Patent Examination Policy